

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                                |   |                     |
|--------------------------------|---|---------------------|
| -----                          | X |                     |
|                                | : |                     |
| ANTHONY SMITH,                 | : |                     |
|                                | : |                     |
| Plaintiff,                     | : |                     |
|                                | : | 22-CV-1185 (VSB)    |
| -against-                      | : |                     |
|                                | : | <b><u>ORDER</u></b> |
| AKELA CONTRACTING LLC, et al., | : |                     |
|                                | : |                     |
| Defendants.                    | : |                     |
|                                | : |                     |
| -----                          | X |                     |

VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on February 11, 2022, (Doc. 1), and filed an affidavit of waiver of service as to Defendants JDV Safety Inc., All Eyes on Safety Inc., and Brian McDermott on March 7, 2022, (Docs. 20–22). Plaintiff filed an affidavit of service as to Defendants Civetta Cousins JV, LLC, Akela Contracting LLC, and Karine Williams on March 18, 2022. (Docs. 23–25.) I granted two extensions for Defendants JDV Safety Inc., All Eyes on Safety Inc., and Brian McDermott to respond to the complaint. (Docs. 27, 32.) I also granted an extension for Defendants Civetta Cousins JV, LLC, Akela Contracting LLC, and Karine Williams to respond to the complaint. (Doc. 29.) On June 23, 2022, pursuant to the parties’ joint request, I stayed all deadlines through September 21, 2022, and ordered Defendants to respond to the complaint by September 21, 2022. (Doc. 37.) Defendants JDV Safety Inc., All Eyes on Safety Inc., and Brian McDermott filed their answer on September 21, 2022. (Doc. 40.) To date, Defendants Civetta Cousins JV, LLC, Akela Contracting LLC, and Karine Williams have not responded to the complaint. Plaintiff, however, has taken no action to prosecute this case against those Defendants. Accordingly, if Plaintiff intends to seek a default judgment against Defendants Civetta Cousins JV, LLC, Akela Contracting LLC, and Karine Williams, they are directed to do

so in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than October 7, 2022. If Plaintiff fails to do so or otherwise demonstrate that they intend to prosecute this litigation against those Defendants, I may dismiss this case against Defendants Civetta Cousins JV, LLC, Akela Contracting LLC, and Karine Williams for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: September 28, 2022  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, stylized 'V' that loops around the first few letters. The last name "Broderick" is written in a similar cursive style. The signature is positioned above a horizontal line.

VERNON S. BRODERICK  
United States District Judge